

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov



In the matter of:)	Docket No. 11-RPS-01
)	
Developing Regulations and Guidelines for the)	Docket No. 02-REN-1038
33 Percent Renewables Portfolio Standard)	
)	REVISED NOTICE OF BUSINESS
and)	MEETING RE: Guideline
)	Revisions for RPS
Implementation of Renewables)	Implementation and
Investment Plan Legislation)	Renewable Energy Program

***Revised Notice of Business Meeting to
Consider Adoption of Revisions to the
Renewables Portfolio Standard Eligibility Guidebook
and the Overall Program Guidebook for the
Renewable Energy Program***

The California Energy Commission will conduct a Business Meeting on:

August 9, 2012
10:00 a.m.
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
1st Floor, Hearing Room A
Sacramento, California
(Wheelchair Accessible)

Remote Access Available by Computer or Phone via WebEx™
(Instructions below)

As part of the August 9, 2012, Business Meeting, the Energy Commission will consider adopting minor revisions to the *Renewables Portfolio Standard Eligibility Guidebook, Fifth Edition, (RPS Guidebook)* and the *Overall Program Guidebook for the Renewable Energy Program, Fourth Edition (Overall Program Guidebook)*. These revisions are limited in nature and are being proposed to clarify changes to the guidebooks that the Energy Commission adopted on May 9, 2012. Public comments received at that time identified guidebook changes that required further clarification.

Background

Renewables Portfolio Standard Eligibility Guidebook

The *RPS Guidebook* explains how the Energy Commission implements and administers its responsibilities under California's Renewables Portfolio Standard (RPS) statute. Under these laws, the Energy Commission is charged with certifying eligible renewable energy resources that may be used by retail sellers of electricity and local publicly-owned electric utilities (POUs) to satisfy their RPS procurement requirements and for developing an accounting system to verify a retail seller's or POU's compliance with the RPS. The *RPS Guidebook* describes the eligibility requirements and process for certifying renewable resources as eligible for California's RPS and describes how the Energy Commission verifies compliance with the RPS.

Overall Program Guidebook for the Renewable Energy Program

The *Overall Program Guidebook* describes how the Energy Commission's Renewable Energy Program is administered and includes information and requirements that apply overall to the program elements, including aspects related to California's RPS. Some of the RPS-eligible renewable energy resources may qualify for funding under other elements of the Renewable Energy Program.

A summary of the proposed revisions to the *RPS Guidebook* and *Overall Program Guidebook* is provided in Attachment A to this notice, and attachments B and C provide the proposed revisions in underline/strikeout format for each guidebook, respectively.

The final draft guidebooks, with proposed changes shown in underline/strikeout format, will be available on the Energy Commission's website at:

www.energy.ca.gov/portfolio/documents/index.html

Public Comment

Oral comments. The Energy Commission will accept oral comments during the meeting. Comments may be limited to three minutes per speaker. Any comments will become part of the public record in this proceeding.

Written comments. Written comments should be submitted to the Dockets Unit by **4:00 p.m. on August 3, 2012**. Written comments will be also accepted at the meeting; however, the Energy Commission may not have time to review them before the conclusion of the meeting. All written comments will become part of the public record of the business meeting and this proceeding. Additionally, written comments may be posted to the Energy Commission's website for the proceeding.

The Energy Commission encourages comments by e-mail. Please include your name and any organization name. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc) or Adobe® Acrobat® (.pdf). Please include the docket numbers **11-RPS-01 and 02-REN-1038** and indicate **Developing Regulations and Guidelines for the 33 Percent Renewables Portfolio Standard** in the subject line. Send comments to:

docket@energy.ca.gov

If you prefer, you may send a paper copy of your comments to:

California Energy Commission
Dockets Office, MS-4
Re: Docket Nos. 11-RSP-01 and 02-REN-1038
1516 Ninth Street
Sacramento, CA 95814-5512

Public Adviser and Other Commission Contacts

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489 (toll free at (800) 822-6228).

If you have a disability and require assistance to participate, please contact Lou Quiroz at lou.quiroz@energy.ca.gov or (916) 654-5146 at least five days in advance.

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

If you have questions on the subject matter of this agenda item, please contact Kate Zocchetti at kate.zocchetti@energy.ca.gov or (916) 653-4710.

Remote Attendance

For remote attendance instructions, see the **August 9, 2012**, Business Meeting agenda at:

http://www.energy.ca.gov/business_meetings/

Availability of Other Agenda Items

To see other agenda items for this business meeting, see the full agenda for the **August 9, 2012**, Business Meeting at:

http://www.energy.ca.gov/business_meetings/

Availability of Documents on This Matter

Documents and presentations regarding this proceeding are available online at: www.energy.ca.gov/portfolio/documents/index.html.

Mail List: renewable listserv

Attachment A: Summary of Revisions to the Renewables Portfolio Standard Eligibility Guidebook and Overall Program Guidebook for the Renewable Energy Program

The following summarizes the minor changes staff is proposing to the *Renewables Portfolio Standard Eligibility Guidebook* and the *Overall Program Guidebook for the Renewable Energy Program*, by section. The draft guidebooks, with the staff's proposed changes shown in underline/strikeout format, will be available on the Energy Commission's website at:

www.energy.ca.gov/portfolio/documents/index.html

The changes are limited in nature and are being proposed to clarify changes to the guidebooks that the Energy Commission adopted on May 9, 2012. Public comments received at that time identified guidebook changes that required further clarification. Staff, with input and guidance from lead Commissioner Carla Peterman, is recommending the following revisions to the guidebooks for this purpose:

Renewables Portfolio Standard Eligibility Guidebook

II. Eligibility Requirements

B. Eligible Resources for the Renewables Portfolio Standard

- Clarify that the requirements for facilities located out-of-country or that have a first point of interconnection to the WECC transmission system that is located outside California are limited to facilities that are connected to a balancing authority that is not a "California Balancing Authority" as defined in the *Overall Program Guidebook for the Renewable Energy Program*.
- Clarify that an applicant for a hydroelectric facility or generation unit must only submit project licenses, permits and exemptions issued by the Federal Energy Regulatory Commission (FERC) if applicable to the facility, and that if none were issued, explanatory documentation must be submitted to the Energy Commission.

D. Repowered Facilities

- Clarify that, in general, only an applicant who seeks to revise a facility's date of commercial operations must apply as a repowered facility.

III. Certification Process

- Clarify that to receive a "beginning-on date" for eligibility beginning with the month during which the application for precertification or certification was received by the Energy Commission, the application for certification must be submitted within 90 days of the facility's commencement of commercial operations.
- Clarify that generation from an existing hydroelectric generation unit operated as part of a water supply or conveyance system may count toward RPS procurement requirements beginning on the effective date of Senate Bill X1-2 (December 10, 2011), if an application for certification for the unit is received by October 1, 2012.
- Clarify that for utility-certified facilities to qualify for a certification extension if their utility contract expires after October 1, 2012, the facility applicant must submit an application no later than 90 days after the termination date of the utility contract.

A. Certification Types

- Clarify that if any facility in an aggregated unit is determined to be ineligible for the RPS, the applicant may submit an amended application to remove the ineligible facility within 30 days without losing its certification.

B. The RPS Application Process

- Clarify that applications for certification and precertification must be submitted electronically using the format specified in the guidebook unless the applicant receives advance approval from Energy Commission staff.

Overall Program Guidebook

Glossary of Terms

Define “nameplate capacity” consistent with the definition used by the Western Renewable Energy Generation Information System (WREGIS).

In addition to the above-noted changes, minor grammatical, typographic, and formatting errors are being corrected.

ATTACHMENT B: PROPOSED REVISIONS TO RENEWABLES PORTFOLIO STANDARD ELIGIBILITY GUIDEBOOK, FIFTH EDITION

Section	Page	Revision
I. Introduction	1	These laws require <u>set a goal for</u> retail sellers of electricity and local publicly owned electric utilities (POUs) to increase the amount of renewable energy they procure until 33 percent of their retail sales are served with renewable energy by December 31, 2020.
	3	SB X1-2 increases the RPS procurement <u>goal</u> from 20 percent by 2010 to 33 percent by 2020, expands these requirements to include POUs, revises the responsibilities of the CPUC with respect to retail sellers of electricity, and gives the Energy Commission new regulatory responsibilities with respect to POUs.
II. Eligibility Requirements	9	<ul style="list-style-type: none"> the facility has its first point of interconnection to the transmission network outside the state, <u>but</u> within the WECC service area and satisfies applicable requirements for such facilities or for out-of-country facilities, as applicable.
B. Eligible Resources for the Renewable Portfolio Standard	13	<p>The table does not reflect any additional requirements that may apply to facilities located out-of-country or with a first point of interconnection <u>to a non-California Balancing Authority (non-CBA) within</u> to the WECC located outside California.</p> <p>Also addressed below are requirements for renewable distributed generation facilities, as well as those for multifuel and other facilities that use a combination of fuels, including those that operate in part by using fossil fuels or other nonrenewable fuels, and facilities located out-of-country or with a first point of interconnection <u>to a non-CBA within</u> to the WECC located outside California.</p>
5. Hydroelectric Facilities	22	<p>2. The facility does not “cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.”³⁹</p> <p>³⁹ <u>Public Utilities Code 399.12, Subdivision (e)(1)(B).</u></p>
	26	<p>6. Other permits</p> <p>The applicant must submit all other applicable permits, including those <u>project licenses</u>, permits and exemptions issued by the Federal Energy Regulatory Commission (FERC), <u>if applicable, or the equivalent from another federal, state, or local government agency. If no FERC project licenses, permits, or exemptions were issued, the applicant must submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility.</u></p>
Additional Required Information for Existing Hydroelectric Generation Units 40 MW or Less and Operated as Part of a Water Supply or Conveyance System	28	<p>An applicant must provide the following additional information to substantiate that the hydroelectric generation unit is operated as part of a water supply or conveyance system:</p> <ul style="list-style-type: none"> Current water supply permit issued by the California Department of Public Health, <u>if applicable</u>, or its local equivalent from another state or local government agency. Current hydroelectric project license, <u>permits</u>, or exemption from licensing from the Federal Energy Regulatory Commission (FERC), <u>if applicable, or the equivalent from another federal, state, or local government agency. If no FERC hydroelectric project licenses, permits, or exemptions were issued for the facility, the applicant must submit documentation explaining why the FERC project licenses, permits, or exemptions are not applicable to the facility.</u>
6. Municipal Solid Waste	29	2. Municipal Solid Waste Conversion Facilities: A facility is eligible for the RPS if 1) it uses a two-step process to create energy whereby in the first step, gasification conversion, a non-combustion thermal process that consumes no excess oxygen, is used to convert MSW into a clean-burning gaseous or liquid fuel, and then in the second step this clean-burning fuel is used to generate electricity, and 2) the facility and conversion technology meet all of the following applicable criteria in accordance with Public Resources Code Section 25741, Subdivision (b)(3).
	31	The Energy Commission will review this information and consult with CalRecycle to determine if the information is complete and satisfies the requirements specified in Public Resources Code Section 25741, Subdivision (b)(a)(3).

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Section	Page	Revision
D. Repowered Facilities	40	As noted earlier in this guidebook, the criteria for RPS eligibility may depend on the date a facility begins commercial operations. If a facility is repowered as provided in this section, its commercial operation date may be considered its repowering date for purposes of the RPS instead of its initial date of commencement of commercial operations. In general, only an applicant seeking to revise a facility's date of commercial operations needs to apply for certification as a repowered facility. An applicant for a facility that is RPS-certified or not subject to the eligibility restrictions based on the facility's online date may not need to apply as a repowered facility, even if the facility's prime generation equipment is replaced with new equipment.
E. Facilities With a First Point of Interconnection to a non-California Balancing Authority Outside California or Facilities Located Outside the United States	43	<p>The requirements of this section apply to renewable facilities that have their first point of interconnection to <u>a non-California Balancing Authority (non-CBA)</u> the transmission network outside the state, but within the WECC service area. Facilities within the WECC service area that are located outside the United States must meet the out-of-country requirements below regardless of the location of their first point of interconnection to the transmission network. Facilities located in California for near the border of the state (with the exception of facilities located outside the United States)) with their first point of interconnection to the transmission network of a <u>a California</u> balancing authority area primarily located within the state are not subject to the <u>additional</u> requirements of this section for RPS eligibility. Applicants may be required to submit documentation to verify the location of their first point of interconnection to the transmission network with their application for precertification or certification.</p> <p>With the exceptions noted below <u>for certain POU's and multijurisdictional utilities</u>, electrical generation from a renewable facility with its first point of interconnection to a non-CBA within the transmission network outside the state can qualify for the RPS if it meets the RPS eligibility requirements described in this guidebook and satisfies all of the following criteria.</p>
	44	If the facility meets all of the above criteria for facilities with a first point of interconnection to a non-CBA outside California except it commenced commercial operations before January 1, 2005 (criterion "2" above), then it may be RPS-eligible if it meets one of the following criteria:
Multijurisdictional Utilities	45	Procurement that is counted toward meeting the RPS obligations of multijurisdictional utilities retail-sellers is not subject to the eligibility requirements in this sSection E. <u>for facilities with a first point of interconnection outside California.</u>
2. Additional Required Information for Facilities With a First Point of Interconnection to a non-CBA Outside California	46	<p>All facilities with a first point of interconnection to <u>a non-CBA</u> the transmission network outside California must provide the following additional required information when applying for certification as RPS-eligible.</p> <p>Applicants for all other facilities with a first point of interconnection <u>to a non-CBA</u> outside California seeking RPS certification must analyze and document the impacts, if any, the facility has or may have on California's environmental quality.</p> <p>The law requires a facility with a first point of interconnection <u>to a non-CBA</u> outside California to demonstrate that it will not cause or contribute to a violation of a California environmental quality standard or requirement within California. To meet this requirement, the analysis performed by the applicant must include <u>the following</u>, subject to the Environmental Area Thresholds set forth in Table 2:</p>
	47	At a minimum, the LORS described in the applicant's analysis shall address the following environmental areas consistent with Appendix B, Section (g), of the Energy Commission's regulations for power plant certification, Title 20, California Code of Regulations, Sections 1701, et seq, to the extent that application of the Environmental Area Thresholds for Facilities With a First Point of Interconnection <u>to a non-CBA</u> Outside California set forth in Table 2 shows that the project has the potential to impact resources within California:

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		The assessment of the potential for a facility with a first point of interconnection <u>to a non-CBA</u> outside California to cause or contribute to any violation of a California environmental quality standard or requirement depends on the environmental resource area and the facility's distance from the region in California most likely to be impacted by the facility's development or operation. ...The Supplemental Form for a Facility With a First Point of Interconnection <u>to a non-CBA</u> Outside California, CEC-RPS-1:S3, requires an applicant to identify the project's distance from California, as well as the location in California most likely to be impacted by the project.
		Accordingly, for demonstrating whether the facility with a first point of interconnection <u>to a non-CBA</u> outside California will cause or contribute to a violation of any of these LORS in California, the applicant should select the region in California most likely to be affected by the facility's development or operation.
	48	All LORS assessments and explanations should be submitted in a document to accompany the CEC-RPS-1 Form and Supplemental Form for a Facility With a First Point of Interconnection <u>to a non-CBA</u> Outside California, along with documentation substantiating the applicant's assessment as required above in 1.c.
	49	Table 2: Environmental Area Thresholds for Facilities With a First Point of Interconnection <u>to a non-CBA</u> Outside California
	50	<p>2. Additional Required Information for Existing Facilities With a First Point of Interconnection <u>to a non-CBA</u> Outside California</p> <p>As noted above, further reporting requirements apply to <u>existing</u> facilities with a first point of interconnection <u>to a non-CBA</u> outside California that commenced commercial operations before January 1, 2005.</p> <ul style="list-style-type: none"> Incremental generation: The Energy Commission may certify incremental generation from the expansion or repowering of a facility with a first point of interconnection <u>to a non-CBA</u> outside California as RPS-eligible if it finds that the incremental generation exceeds the facility's historical production.
Quantifying Incremental Generation From Existing Facilities With a First Point of Interconnection <u>to a non-CBA</u> Outside California	51	<p>Additional Required Information for Out-of-Country Facilities</p> <p>⁶³Depending on the location and interconnection of the facility, the applicant may also need to address the requirements for facilities with a first point of interconnection <u>to a non-CBA</u> outside California. <u>In such cases, the applicant must analyze and document the impacts, if any, the facility has or may have on California's environmental quality, as specified in section E.1, and must also analyze and document that the facility is developed and operated in a manner that is as protective of the environment as a similar facility in California, as specified in this section E.3.</u></p>
	52	<p>a) A comprehensive list and description of all California environmental quality LORS that would apply to a similar facility located within California at a <u>location-site</u> designated by the applicant.</p> <p>b) An assessment of whether the facility's development or operation will cause or contribute to a violation of any of these LORS. The applicant may select any region in California to demonstrate whether the facility's development or operation will cause or contribute to a violation of any of the California LORS.</p> <p>c) b) An explanation of how the facility's developer and/or operator will protect the environment to the same extent as provided by these LORS be developed and operated in a manner that is as protective of the environment for as a similar facility located in California in developing or operating the facility, including whether the developer and/or operator will secure and put in place mitigation measures to ensure that these LORS are followed.</p> <p>d) c) Documentation substantiating the applicant's assessment as required in b) and c)-above. For example, documentation could include environmental studies, permits, and similar materials demonstrating that the facility's development or and operation will not cause or contribute to a violation of a California environmental standard or regulation and will protect the environment to the same extent as provided by these LORS for a similar facility located in California.</p>

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Section	Page	Revision
H. Tradable Unbundled Renewable Energy Credits	54	The term “ tradable-unbundled RECs” refers to a concept wherein the renewable attributes may be procured from the renewable generator as a separate commodity from the underlying energy and then can be subsequently sold to other buyers. In place of the term “REC,” WREGIS uses the term “WREGIS Certificate.”
III. Certification Process	55	Procurement of RPS-eligible electricity may count toward a retailer seller’s or POU’s RPS obligation if the electrical generation facility uses an eligible renewable energy resource and was RPS-certified at the time of procurement or applied for RPS certification or precertification at the time of procurement, <u>with some exemptions as noted below.</u>
	56	If the facility is subsequently certified as RPS-eligible, all generation beginning with the month of the eligibility date that is tracked in WREGIS will be considered RPS-eligible if the operations of the facility are consistent with the information provided in the <u>initial precertification or certification application and the application for certification is submitted within 90 days of the commencement of commercial operations date.</u> If an application for <u>precertification or certification</u> is initially denied or is <u>submitted more than 90 days beyond the commercial operations date,</u> and the Energy Commission subsequently approves a new application for certification, a new date of eligibility will be assigned to that facility based on the later date of application.
<u>Existing Hydroelectric Generation Unit Operated as Part of a Water Supply or Conveyance System</u>	57	Generation from an existing small hydroelectric generation unit up to 40 MW that is operated as part of a water supply or conveyance system and that is RPS-certified by the Energy Commission may be counted toward a retail seller’s or POU’s RPS target beginning on the effective date of SB X1-2, if an application for certification is received by the Energy Commission by October -1, -2012. The effective date of SB X1-2 is December 10, 2011. ⁷⁴ <small>⁷⁴ California Government Code Section 9600, Subdivision (a).</small>
Certification Extension for Utility-Certified Facilities	58	The at-utility under contract with the facility identified in the utility certification may count only the amount of generation under contract with the facility identified in the utility certification that occurs after the termination date of the contract if the facility operator, or agent thereof, submits an application for certification to the Energy Commission using a CEC-RPS-1 form before October 1, 2012. <u>For facilities with contract termination dates after August 3, 2012, the certification application must be received by the Energy Commission no later than 90 days after the termination date of the contract.</u>
A. Certification Types 2. Aggregated Facilities	59	If the Energy Commission determines d that one facility in an approved unit is not RPS-eligible, the applicant shall have 30 days, once notified, to submit an amended application that removes any ineligible facilities from the aggregated unit, or the entire unit will lose its certification, until an amended application is submitted that removes the ineligible facility from the list.
5. Utility-Certified Facilities	61	Once the contract expires or is voluntarily renegotiated, the facility operator, or agent thereof, must apply for certification from the Energy Commission using a CEC-RPS-1 form <u>within 90 days of the contract termination date.</u> ⁷⁹ <small>⁷⁹ See Section III: Certification Process for information on an extension for facilities with contract expiration dates prior to August 3, 2012.</small>
B. The RPS Application Process 2. Submission Requirements	62	Footnote 76: If the applicant does not have the required software or Internet access to complete an electronic submission <u>in the required format,</u> and has made all reasonable attempts at acquiring the ability to complete an electronic submission, the applicant may request a waiver of the electronic submission requirement by submitting a written request to Energy Commission staff that includes an <u>explanation of the circumstance.</u> After staff consideration of this request and exploration of Staff may explore alternatives with the applicant before considering a waiver., if staff determines that acquiring the ability to fulfill the electronic submission requirement would be unduly burdensome, the electronic submission requirement will be waived.

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Section	Page	Revision
	64	For applicants that must submit additional required information, such as for biopower, hydroelectric, repowered, facilities with a first point of interconnection <u>to a non-CBA</u> outside California, or out-of-country facilities, the Energy Commission must conduct an extensive review of the additional data, which could take more than 60 days from the date a complete application is received by the Energy Commission and, if applicable, the Executive Director makes a determination on any related requests from the applicant for confidential designation.
5. Amending Certification or Precertification	66	⁸⁴ <u>An amended application for an RPS-certified facility that is repowered, as defined in this guidebook, will be evaluated under the edition of this guidebook in place at the time the Energy Commission receives a complete amended application for certification only if the applicant seeks to revise the commercial operations date of the facility based on the date the repowered facility reentered commercial operations. Applicants of previously certified facilities that are repowered but not seeking to revise the operations date need not amend the facility's certification if all information in the original certification remains accurate and no change in facility ownership or applicant representing the facility have occurred. However, such an applicant is encouraged to notify the Energy Commission to document that the facility was repowered.</u>
A. Reporting to the Energy Commission	70	However, retail sellers and POU's should postpone reporting of 2011 RPS procurement until finalization of the <u>sixth-future</u> edition of the RPS Eligibility Guidebook, by when detailed reporting instructions related to SBX 1-2 procurement requirements will have been established.
1. Reporting Using the Interim Tracking System a. Procurement Data	70	RPS Procurement for 2011 should not be retired or reported until the sixth <u>a future</u> version of the RPS Eligibility Guidebook is finalized, which will provide instructions on reporting 2011 and later data. POUs will need to submit RPS procurement information reflecting SB X1-2 portfolio content categories with the update of the sixth <u>a future</u> edition of the RPS Eligibility Guidebook.
2. Reporting Using WREGIS	72	With the adoption of the fifth edition of this <i>RPS Eligibility Guidebook</i> , retail sellers may submit supplemental WREGIS reports for 2010 procurement, as appropriate, to report TRECs from RPS-certified facilities tracked in WREGIS for 2010. Updated 2010 procurement reporting should be submitted to the Energy Commission within 30 days of <u>adoption of this</u> the fifth edition of the guidebook.
	73	Until such requirements are finalized and the Energy Commission incorporates the details in the sixth <u>a future</u> edition of the RPS Eligibility Guidebook, the Energy Commission will not require retail sellers and POU's to report their procurement data for generation on or after 2011. The Energy Commission plans to provide detailed instructions about using WREGIS and submitting documentation to verify the procurement requirements under SB X1-2 in the sixth <u>a future</u> edition of the RPS Eligibility Guidebook, and until then retail sellers and POU's should not retire or report procurement for 2011 or 2012 unless necessary. Retail sellers should contact Energy Commission staff for assistance with 2011-2012 procurement that must be retired before the adoption of the sixth <u>a future</u> edition of the RPS Eligibility Guidebook.
Note: This table does not show changes that are being made to correct minor grammatical, typographical, or formatting errors.		

**Attachment C: Proposed Revisions to Overall Program Guidebook
for the Renewable Energy Program, Fourth Edition**

Section	Page	Revision
IV. Applying for Program Funds and Renewables Portfolio Standard Certification F. Funding Award Payments	9	Based on an investigation conducted under Section VII, Subsection B, the Committee <u>Executive Director</u> determines that the awardee has misstated, falsified, or misrepresented information in applying for a funding award or RPS certification, in invoicing for a funding award payment, or in reporting any information required by these <i>guidelines</i> .
VII. Enforcement Action A. Recovery of Overpayment	14	The Energy Commission may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any awardee or former awardee to recover any portion of a funding award that the Committee <u>Executive Director</u> determines the awardee or former awardee was not otherwise entitled to receive.
Glossary of Terms	22	<u><i>Nameplate Capacity</i> — the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer.</u>

Note: This table does not show changes that are being made to correct minor grammatical, typographical, or formatting errors.